

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ALEXANDER ROY SINCLAIR,

Petitioner,

v.

CLARK COUNTY COURTHOUSE et al.,

Respondents.

CASE NO. 3:22-cv-05223-DGE

ORDER ADOPTING REPORT AND
RECOMMENDATION

On April 4, 2022, Petitioner, proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 alleging that his right to a speedy trial was violated because he has been held without arraignment for almost two years, that he has received ineffective assistance of counsel, and that prosecutors in his case committed perjury. (Dkt. No. 1.)

On April 18, 2022, United States Magistrate Judge Michelle L. Peterson issued an Order to Show Cause, in which she informed Petitioner that because Petitioner is awaiting adjudication of his pending criminal charges in Clark County Superior Court, Petitioner's claims of speedy trial rights violations, violation of his right to counsel, and prosecutorial misconduct would

1 necessarily require this Court to become involved in his ongoing state court criminal
2 proceedings. (Dkt. No. 4.) Judge Peterson informed Petitioner that absent extraordinary
3 circumstances where the danger of irreparable harm is both great and immediate, federal courts
4 will not intervene in a pending state court criminal proceeding. (*Id.*) Judge Peterson found that
5 Petitioner's pleading did not reveal any extraordinary circumstances that would justify the
6 Court's intervention in his ongoing state court criminal proceeding. (*Id.*)

7 Judge Peterson further found that Petitioner failed to show that he exhausted state court
8 remedies by presenting federal constitutional or statutory claims to the Washington state trial and
9 appellate courts before he filed his habeas corpus petition in federal court. (*Id.*) Judge Peterson
10 directed Petitioner to show cause why this action should not be dismissed in accordance with the
11 abstention doctrine and exhaustion requirement. (*Id.*)

12 On May 11, 2022, Petitioner responded to Judge Peterson's Order to Show Cause,
13 providing more information concerning his claims, but not addressing the concerns raised by
14 Judge Peterson's order. (Dkt. No. 7.)

15 On May 27, 2022, Judge Peterson, finding that Petitioner's response to the Order to Show
16 Cause lacked clarity and appeared to re-iterate his claims, issued a Report and Recommendation
17 ("R&R"), recommending that Petitioner's complaint and this action be dismissed for failure to
18 identify any viable claim for federal habeas relief. (Dkt. No. 8.)

19 Petitioner filed objections to the R&R on June 17, 2022. (Dkt. No. 9.) Petitioner also
20 filed a motion for supplies on June 24, 2022, in which he re-states his claims and asks for a
21 pencil and paper so he can produce "neat and legible" documents. (Dkt. No. 10.)

22 Petitioner's objections to the R&R do not address the abstention and exhaustion concerns
23 raised by Judge Peterson in the R&R or the Order to Show Cause. The Court is uncertain as to
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1 why Plaintiff, who has thus far submitted his arguments to the Court utilizing paper and a writing
2 implement, requires the intervention of the Court to obtain additional writing materials.

3 Having reviewed the Report and Recommendation of the Honorable Michelle L.
4 Peterson, United States Magistrate Judge, any objections or responses to that, and the remaining
5 record, the Court finds and ORDERS:

6 (1) The Court ADOPTS the Report and Recommendation (Dkt. No. 8.)

7 (2) Petitioner's petition for writ of habeas corpus (Dkt. No. 6) and this action are
8 DISMISSED without prejudice for failure to identify any viable claim for federal habeas relief.

9 (3) Petitioner's motion for supplies (Dkt. No. 10) is DENIED.

10 The Clerk is directed to send copies of this Order to the parties and to Judge Peterson.

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12 Dated this 12th day of July, 2022.

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David G. Estudillo
United States District Judge